

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SUGAR MODIFIED OLIGONUCLEOTIDES THAT DETECT AND MODULATE GENE EXPRESSION** specification of which:

 X is attached hereto.

 was filed on _____ as
Application Serial No. _____ and was amended
on _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending)
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John W. Caldwell, Registration No. 28,937 of the firm of WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103, and

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Address all telephone calls and correspondence to:
John W. Caldwell
WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS
One Liberty Place - 46th Floor
Philadelphia, PA 19103
Telephone No. 215-568-3100.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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1	Full Name <u>Philip Dan Cook</u>	Inventor's Signature <u>Philip Dan Cook</u>	Date <u>8/10/90</u>
	Residence 6430 La Paloma Street		Citizenship U.S
	Post Office Address Carlsbad, CA 92009		
2	Full Name <u>Andrew Mamoto Kawasaki</u>	Inventor's Signature <u>Andrew Mamoto Kawasaki</u>	Date <u>8/10/90</u>
	Residence 3368 Calle Santiago		Citizenship U. S.
	Post Office Address Carlsbad, CA 92009		
3	Full Name	Inventor's Signature	Date
	Residence		Citizenship
	Post Office Address		
4	Full Name	Inventor's Signature	Date
	Residence		Citizenship
	Post Office Address		
5	Full Name	Inventor's Signature	Date
	Residence		Citizenship
	Post Office Address		

over

Applicant or Patentee: ISIS Pharmaceuticals, Inc.

Serial or Patent No.: _____ **Attorney's Docket No.:** ISIS-25

Date Filed or Issued: _____

For: SUGAR MODIFIED OLIGONUCLEOTIDES THAT DETECT AND MODULATE GENE EXPRESSION

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN)**

I hereby declare that I am:

_____ the owner of the small business concern identified below:

X an official empowered to act on behalf of the concern identified below:

NAME OF CONCERN: ISIS Pharmaceuticals, Inc.

ADDRESS OF CONCERN: 2280 Faraday Avenue
Carlsbad, CA 92008

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that: (1) the number of employees of the concern, including those of its affiliates, does not exceed 500 persons; and (2) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **SUGAR MODIFIED OLIGONUCLEOTIDES THAT DETECT AND MODULATE GENE EXPRESSION** by inventor(s) **Philip Dan Cook and Andrew M. Kawasaki** described in

X specification filed herewith.

___ application serial no. ___, filed ___.

___ patent no. ___, issued ___.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

***NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)**

NAME _____

ADDRESS _____

___ INDIVIDUAL ___ SMALL BUSINESS CONCERN ___ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

___ INDIVIDUAL ___ SMALL BUSINESS CONCERN ___ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING _____

TITLE OF PERSON SIGNING _____

ADDRESS OF PERSON SIGNING ISIS Pharmaceuticals, Inc.

2280 Faraday Avenue; Carlsbad, CA 92008

SIGNATURE  DATE _____